

CS No. 249/2016
Nirmal Yadav v. C.M.S Yadav & Ors.

30.08.2018

Present : **Sh. A.S. Khan, Advocate** Ld. Counsel for the plaintiff along with plaintiff in person
Defendant no. 1 C.M.S Yadav is ex-parte vide order dated 04.05.2018
Ms. Renu Gupta, Advocate Ld. Counsel for defendant no. 2
None for defendant no. 3 Sub Registrar, Kapashera

Matter was listed today for arguments on the interim injunction application. Having regards to the peculiar facts of the present case as well as the connected matter titled as *Rekha Jain v. Nirmal Yadav & Ors.*, bearing CS No. 357/2016, let the application be kept in abeyance.

On the basis of the facts averred in the present case as well as in the connected matter, it would be in the interest of justice, if both the cases are consolidated for the purpose of evidence as both the suits relates to the same suit property and parties to both the suits are same.

There are no documents requiring admission-denial. Having regards to the facts and circumstances following consolidated issues with respect to the present case and the case titled as *Rekha Jain v. Nirmal Yadav & Ors.*, bearing CS No. 357/2016 have arisen and are hereby framed:

ISSUES

1. *Whether Smt. Nirmal Yadav is entitled to declaration for having sale deed dated 06.10.2009 executed by C.M.S. Yadav in favour of Rekha Jain w.r.to property bearing No. RZF-761/5, Gali No. 4, Raj Nagar Part-II, Palam Colony, New Delhi 110045 measuring 150 sq. yards, declared as null and void ? Onus to prove on Nirmal Yadav.*

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2. *Whether the sale deed dated 19.05.2005 w.r.to same suit property executed by C.M.S. Yadav in favour of Nirmal Yadav is to be declared as null and void thereby conveying no title on Nirmal Yadav as alleged ? Onus to prove on Rekha Jain.*
3. *Whether Rekha Jain is entitled for the relief of possession w.r.to suit property ? Onus to prove on Rekha Jain.*
4. *Whether Rekha Jain is entitled to the relief of damages to the tune of Rs. 1,50,000/-, as claimed ? Onus to prove on Rekha Jain.*
5. *Whether Rekha Jain is entitled to the relief of mesne profits, if so, at what rate and for which period and from whom ? Onus to prove on Rekha Jain.*
6. *Whether Rekha Jain is entitled to alternate relief of recovery of Rs. 30,00,000/- as claimed ? Onus to prove on Rekha Jain.*
7. *Whether Nirmal Yadav is entitled to the relief of permanent injunction against Rekha Jain with respect to the suit property, as claimed ? Onus to prove on Nirmal Yadav.*
8. *Relief;*

No other issue either arises or has been pressed for.

The present suit titled as 'Nirmal Yadav v. C.M.S. Yadav & Ors.', shall be treated as **leading case** and evidence shall be recorded in the present

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case and a copy whereof shall be placed in the connected matter titled as '*Rekha Jain v. Nirmal Yadav & Ors.*'. Nirmal Yadav is directed to lead the evidence first.

List of witnesses be filed by both the parties within 15 days, after exchanging copies thereof. The copies of evidence by way of affidavit of the witnesses of Nirmal Yadav be supplied to Ld. Counsel for the other parties atleast a fortnight prior to the NDOH.

Matter be listed for recording of plaintiff's evidence, on **22.11.2018.**

(KANWALJEET ARORA)
ADJ-01/Dwarka
30.08.2018